

**REMARKS/ARGUMENTS**

Applicants' attorneys respectfully request reconsideration and withdrawal of the rejections of the application in view of the above amendments and following remarks, which place the application into condition for allowance.

The instant After-Final Amendment is being made to facilitate prosecution of the application and does not require a further search. Therefore, Applicant's attorneys respectfully request that the instant Amendment be entered.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-14 are pending in the application. Claim 14 has been withdrawn from consideration by the Examiner and claims 1-13 are rejected in the Office Action mailed October 13, 2006. By this Amendment, claim 1 is amended as detailed above, claim 14 is canceled without prejudice to its subsequent prosecution in any continuing application or disclaimer of the proprietary rights set forth therein and new claim 15 is added. It is believed that no new subject matter is added as a result of the claim amendments.

Initially, Examiner Mohandesi is thanked for granting Applicants' attorneys an after-final telephone interview on December 12, 2006. Participants in the interview included Examiner Mohandesi and Applicants' representative A. Mustillo. The Final Office Action mailed on October 13, 2006 and cited reference U.S. Patent No. 6,457,265 to Lepage et al. ("Lepage") were discussed in detail. Applicants' representative discussed the arguments set forth in the Amendment filed on July 24, 2006. The Examiner indicated that she understood the arguments but requested that the claims be amended to include additional language. Proposed claim language was discussed. Applicants' representative stated that he would discuss the proposed language with the client and file an appropriate response.

In addition, the Election/Restriction of amended claim 14 was discussed. Applicants' representative agreed to cancel claim 14 in the response. Cancellation of claim 14 is made without prejudice to the Applicants' right to file divisional applications directed to the non-elected subject matter.

## **II. THE REJECTIONS UNDER 35 U.S.C. § 102(e) AND 35 U.S.C. § 103(a)**

In paragraph 3 of the Office Action, claims 1-11 and 13 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,457,265 to Lepage et al. ("Lepage"). In addition, in paragraph 6 of the Office Action, claim 12 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lepage in view of U.S. Patent Application Publication No. 2001/0018805 to Basso ("Basso"). The rejections are traversed for at least the following reasons.

As recited in revised independent claim 1, the instant invention is directed to a sports boot for a board for gliding comprising, *inter alia*, "reinforcement means [that] are at least partly formed by at least one frame (13) in synthetic material internally reinforced with mineral or synthetic fibers that are embedded in a matrix and positioned at least partially between said parts." (Emphasis added). As recited in ¶ [0013] of the instant application, the frame (13) is formed from a rigid strip of synthetic material that is reinforced with mineral or synthetic fibers that are woven and embedded in a matrix of polyurethane. Consequently, the mineral or synthetic reinforcing fibers that are embedded in a matrix, are fibers that are internal to the frame (13) and are therefore an internal reinforcement.

Applicants' attorneys respectfully submit that this is not the case with Lepage. The portions of Lepage that the Examiner relies upon (col. 3, lines 58-67 and col. 4, lines 1-5) for disclosing internal mineral or synthetic fiber reinforcement, instead discloses vibration damping elements having a rigid stressed part that the Examiner seems to equate to reinforcement. These

vibration damping elements are attached externally to the reinforcement means; they are not the reinforcing means. Furthermore, as presently understood by Applicants' attorneys, the vibration damping elements are not mineral or synthetic fibers that are embedded in a matrix.

Applicants' attorneys respectfully submit that in order for a Section 102 rejection to stand, the prior art reference must contain all of the elements of the claimed invention. *See Lewmar Marine Inc. v. Barient Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987). Applying the law to the instant facts, because Lepage fails to disclose all of the limitations of revised independent claim 1, the Section 102(e) rejections must fail as a matter of law. Accordingly, Applicants' attorneys respectfully request that the Section 102 rejections be withdrawn.

Regarding new claim 15, Applicants' attorneys respectfully submit that Lepage fails to disclose "at least one frame (13) comprising a thermoplastic or heat-curable matrix in synthetic material internally reinforced" for similar or somewhat similar reasons to those discussed above.

For at least the foregoing reasons, it is believed that revised independent claim 1 and new claim 15 patentably distinguish over the relied upon portions of Lepage and Basso, either alone or in combination, and are therefore allowable. Further, claims 2-13, which depend from claim 1, are allowable as well.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

**CONCLUSION**

In view of the foregoing, it is submitted that the instant claims should be allowed and that the instant application is now in condition for allowance. It is further submitted that this After-Final Amendment does not require an additional search. Therefore, Applicants' attorneys respectfully request entry of this After-Final Amendment and favorable reconsideration of the application, withdrawal of the rejections, and prompt issuance of the Notice of Allowance.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,  
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